

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

MICHELLE ROCKWELL : BK No. 05-13515
Debtor : Chapter 7

LISA A. GEREMIA, TRUSTEE :
Plaintiff :

v. : A.P. No. 06-1075

MICHELLE ROCKWELL :
Defendant :

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ORDER IN AID OF FACILITATING DISCOVERY

In this contentious adversary proceeding, there are the following contested discovery issues: (1) Plaintiff/Trustee's Motion to Compel Supplemental Initial Disclosures under Fed. R. Civ. P. 26(a); (2) Trustee's Motion to Compel Responses to Her First Request for Production; and (3) Trustees's Motion to Compel More Responsive Answers to Interrogatories. The Trustee has also filed a motion to amend her Complaint. The Defendant (Debtor) strongly objects to all of the requested relief, on the grounds that: (1) she has substantially complied with all prior requests; (2) that the Trustee already has the information she continues to seek via additional discovery; and (3) that the Trustee's tactics are intended to harass and to wear the Debtor down, financially and otherwise, and to win her case via attrition rather than on the merits. Because of the stalemated posture of this litigation, on May 10, 2007, the Court invited the parties to a Chambers' conference, and it was readily apparent that the litigants are so entrenched in the correctness of their respective positions that Court intervention is necessary to

BK No. 05-13515; A.P. No. 06-1075

advance the case past the pre-trial phase. Therefore, it is ORDERED as follows:

(1) A final pre-trial conference will be held on June 28, 2007 at 10:00 a.m.;

(2) Prior to the conference, counsel shall confer in good faith regarding all pending discovery and procedural disputes, in order to resolve as many contested issues as possible;

(3) To the extent there are still items in controversy, the parties shall file a joint statement by 5:00 p.m. on June 25, 2007, describing all unresolved matters and the reasons why said items remain disputed.

(4) All unresolved discovery, pre-trial, and procedural matters will be heard on June 28, 2007;

(5) Counsel and parties are forewarned that the Court will resolve all pending issues on June 28, 2007 and, depending on the circumstances, the losing party may be required to pay the fees and costs of the prevailing party for having to engage in discovery litigation which is deemed to have been unnecessary, vexatious, and/or not carried out in good faith.

Dated at Providence, Rhode Island, this 29th day of May, 2007.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 5/29/07

BK No. 05-13515; A.P. No. 06-1075